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10 Attorneys for Plaintiffs and Counter-Defendants

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 SERENDIP LLC & WENDY
15 CARLOS,

16 Plaintiffs,

17 v.

18 WARNER BROS. ENTERTAINMENT
19 INC.,

20 Defendant.

21 WARNER BROS. ENTERTAINMENT
22 INC.,

23 Counter-Claimant,

24 v.

25 SERENDIP LLC & WENDY
26 CARLOS,

27 Counter-Defendants.
28

CASE NO. CV 08-07739 RGK (RCx)

The Honorable R. Gary Klausner

**DECLARATION OF ANNEMARIE
FRANKLIN IN OPPOSITION TO
DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Fed.R.Civ.P.56

Date: November 30, 2009

Time: 9:00 a.m.

Place: Courtroom 850
255 E. Temple St.
Los Angeles, CA

DECLARATION OF ANNEMARIE FRANKLIN

I, Wendy Carlos, hereby declare as follows:

1. I am an attorney admitted to practice in the state of California and the attorney for the Plaintiffs in this action. I make this Declaration in opposition to Defendant's motion for partial summary judgment. I have personal knowledge of the facts set forth in this Declaration, which are true to my own knowledge, and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as "AFDep" are true and correct copies of excerpts from the Deposition of Annemarie Franklin, which Linda Burrow, counsel for Defendant, took on September 16 in New York, NY.

3. Attached hereto as "WCDep" are true and correct copies of excerpts from the Deposition of Wendy Carlos, which Linda Burrow, counsel for Defendant, took on September 17 in New York, NY.

4. Attached hereto as Exhibit 1 are true and correct copies of letters I exchanged with representatives of Defendant in 2007.

5. Attached hereto as Exhibit 2 is a true and correct copy of a document produced by Defendant in this litigation.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

November 16, 2009
New York, NY

/s/
Annemarie Franklin